

ORDINANCE 18-O-40 amending Murfreesboro City Code, Chapter 29— Subdivisions, Maps and Plats, Section 29-5 and Sections 29-9 through 29-18 by: (1) providing that application review fees be set by resolution; (2) changing references to the Murfreesboro Water and Sewer Department (MWSD) and Water and Sewer Board, respectively, to the Murfreesboro Water Resources Department (MWRD) and Water Resources Board; and (3) changing certain references to the City Engineer to the Development Services Division or Development Services Director.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. Section 29-5, Fee schedule for staff review of site plans and subdivision plats, of the Murfreesboro City Code is hereby amended by deleting same in its entirety and substituting in lieu thereof the following:

“The City Council may adopt by resolution a schedule of fees to offset the cost of review by City staff of site plans, subdivision plats, resubdivision plats, grading plans, and other related materials. An applicant shall pay the appropriate fee(s) to the City when submitting any such materials for review by City staff.”

SECTION 2. Sections 29-9 through 29-18 of the Murfreesboro City Code are hereby amended by deleting same in their entirety and substituting in lieu thereof the following:

“SECTION 29-9 WATER SUPPLY SYSTEM.

(A) Water mains, including service lines to serve each lot within the subdivision (which shall be capped off until service through same may be required), shall be properly connected with a public water supply system and shall be constructed in such a manner as to serve adequately all lots shown on the subdivision plat for both domestic use and fire protection.

The entire cost and expense of constructing and installing water mains and service lines, and of constructing and installing necessary main or mains required to extend a public water supply system to the particular subdivision, including without limitation the cost of pipes, valves and fittings, the opening or digging of necessary ditches, backfill, and the laying and covering of the water mains and service lines, shall be borne and be paid by the developer, but same shall be constructed and installed by the City acting by and through the Murfreesboro Water Resources Department (MWRD) and the City's Water Resources Board, either directly with its own forces and equipment or by contract with eligible and qualified contractor or contractors. Should the City elect to not utilize the foregoing procedure, the Department will require the developer to: contract with a reputable, licensed contractor and perform the work pursuant to plans and specifications approved by the City and the Tennessee Department of Environment and Conservation; fully insure the City against all claims; furnish a bond or letter of credit to assure proper performance and payment of the work; reimburse the City for costs; and, follow MWRD Policies, Procedures and General Design Requirements which have been approved by the Water Resources Board and City Council, one copy of which is on file with the City Recorder.

Except as otherwise allowed in MWRD Policies, Procedures and General Design Requirements, the minimum size of water lines shall be eight inches in diameter in all cases. Where the City's master planning for water lines or water system extensions indicates or requires a water line larger than eight inches, or in any case or situation where the MWRD Director shall find and determine that a water line larger than eight inches is then needed or probably in the future will be needed to serve other area or areas in the vicinity of or beyond the limits of the particular subdivision, then such

larger water line as determined and fixed by the MWRD Director shall be required to be installed at the cost of the developer as hereinabove provided before the proposed subdivision of such developer shall be approved. MWRD's Policies, Procedures, and General Design Requirements identify criteria whereby MWRD, with approval of the Water Resources Board and the City Council, may participate in funding upsized water line or water system facilities of a proposed development.

MWRD shall provide for water taps for each and every lot within the subdivision, the fees or charges for such taps to be paid at the rate provided for in the City's water rate schedules.

The developer shall bear the expense and costs of fire hydrants in such number and at such locations as shall be determined by the MWRD Director in accordance with the applicable codes.

Notwithstanding anything to the contrary hereinbefore in this section provided or to be implied therefrom, neither the City nor MWRD is obligated to extend water service to any subdivision or area outside of the Department's water service area, and neither the City nor MWRD is obligated by any provision or provisions of this section with respect to any such subdivision or area, unless and until the City Council specifically approves such extension of water service and fix and determine the terms and conditions under which such service shall be extended, and unless and until City Council specifically obligates MWRD with respect to such provision or provisions.

- (B) Notwithstanding subsection (A) above, when the proposed subdivision or subdivision lot is in the Consolidated Utility District (CUD) water service area, then the water lines shall be connected with the CUD water supply system and shall be constructed in such a manner as to serve adequately all lots shown on the subdivision plat for both domestic use and fire protection. It will be necessary for the developer or owner to satisfy all regulations of both CUD and the City in providing water for domestic use and fire protection.

SECTION 29-10 SANITARY SEWERS.

When located within the service area of the City sewerage system, sanitary sewers, including laterals to serve each lot within the subdivision (which shall be capped or plugged off until sewerage service through same may be required), shall be installed in such a manner as to serve adequately all lots with connection to such sewerage system.

The entire cost of constructing and installing such sewers and laterals and of constructing and installing necessary outfall or interceptor sewer or sewers required to extend the City's sewerage systems to the particular subdivision, including without limitation the cost of pipes, manholes and fittings, the opening or digging of necessary ditches, backfilling, and the laying and covering of the sewers and laterals, shall be borne and be paid by the developer, but same shall be constructed and installed by MWRD, either directly with its own forces and equipment or by contract with eligible and qualified contractor or contractors. Should the City elect to not utilize the foregoing procedure, MWRD will require the developer to: contract with a reputable, licensed contractor and perform the work pursuant to plans and specifications approved by the City and the Tennessee Department of Environment and Conservation; fully insure the City against all claims; furnish a bond or letter of credit to assure proper performance and payment of the work; reimburse the City for costs; and, follow MWRD's Policies, Procedures and General Design Requirements, three copies of which are on file with the City Recorder.

Except as otherwise allowed in MWRD's Policies, Procedures and General Design Requirements, the minimum size of sanitary sewer mains is eight inches in diameter in all cases. Where the City's master planning for sanitary sewers or sewerage system extensions indicates or requires a sanitary sewer larger than eight inches, or in any case or situation where the MWRD Director finds and determines that a sewer larger than eight inches is needed or will be needed in the future to serve other area or areas in the vicinity of or beyond the limits of the particular subdivision, then a larger sewer line as determined by the MWRD Director will be installed at the cost of the developer as hereinabove provided before the proposed subdivision may be approved. MWRD's Policies, Procedures, and General Design Requirements identify criteria whereby the Department,

with approval of the Water and Sewer Department Board and the City Council, may participate in funding upsized sanitary sewer facilities of a proposed development. The size and type or kind of pipes and fittings to be used for laterals to serve the lots in the subdivision, the location of the sewers and laterals, the types or kinds of pipes and fittings to be used for sewers, the location, number and types of manholes, the width and depth of the ditch, the amount and method of making soil cover over the pipes or sewers and other features of the installation all shall conform with accepted standards established by the City and approved in writing by the MWRD Director.

MWRD shall furnish sewer connections for each and every lot within the subdivision, the fees or charges for such connections to be paid by the builder at the City's rates therefor at the time in force and effect.

Notwithstanding anything to the contrary hereinabove in this section provided or to be implied therefrom, MWRD is not obligated to extend sewer service to any subdivision or area outside the corporate limits of the City and is not so obligated by any provision or provisions of this section with respect to any such subdivision or area, until the City Council specifically approves such extension of such service and determines the terms and conditions under which such service shall be extended.

Where a subdivision or the lots located therein for any reason cannot be economically connected with the City's or other sewerage system, or where for any reason the City Council declines to extend its sewerage or service to a subdivision or any of the lots therein, the lots in said subdivision not connected or to be connected to the City's or such other sewerage system must contain adequate area for installation of approved septic tank and disposal fields based on a percolation test and must be approved in writing by the county health officer and MWRD Director.

SECTION 29-11 RESERVED.

SECTION 29-12 MINIMUM PAVEMENT WIDTHS.

Minimum pavement widths in new subdivisions shall be in accord with the Subdivision Regulations and Standard Street Specifications adopted by the Planning Commission, as amended.

SECTION 29-13 GUARANTEES AND SECURITY FOR IMPROVEMENTS.

No final plat shall be signed by the Secretary of the Planning Commission or accepted by the Rutherford County Register of Deeds until all improvements to be made or constructed by the developer as required by this chapter, by the Subdivision Regulations and Standard Street Specifications, and MWRD's Policies, Procedures and General Design Requirements, including but not limited to streets, sidewalks, water mains and service lines, repurified water mains and service lines, sanitary sewer lines and laterals, and storm water drainage facilities, have been constructed in a satisfactory manner and accepted in writing by the City. In lieu of completing such construction before execution and recordation of the final plat, the developer may secure the payment of the estimated cost of completion of all such construction by providing surety in accord with the provisions of the Subdivision Regulations and Standard Street Specifications and MWRD's Policies, Procedures and General Design Requirements.

SECTION 29-14 RESERVED.

SECTION 29-15 APPLICATION OF THIS CHAPTER TO APPROVED BUT UNDEVELOPED SUBDIVISIONS.

This chapter and the provisions thereof apply to all approved but undeveloped subdivisions and to all undeveloped portions of such subdivisions. No previously approved subdivision, and no portion of any such subdivision, shall be considered to be undeveloped within the meaning and terms of this section where, at the effective date hereof, the streets of such subdivision or such portion thereof have already been laid off, graded and rocked, and where water lines or mains repurified water lines or mains, and sanitary sewer interceptors, collectors and laterals to serve the lots abutting on such streets have already been laid and installed in such streets.

SECTION 29-16 RESERVED.

SECTION 29-17 MINIMUM DEVELOPMENT IMPROVEMENTS PRIOR TO ISSUANCE OF BUILDING PERMIT.

(A) Minimum improvements for one- and two-family subdivisions:

- (1) After a final plat has been recorded, the following minimum improvements must be completed prior to the issuance of any building permits, without regard to whether a surety has been submitted for the completion of any part of the improvement:
 - (a) all curbing must be installed and streets constructed to binder course of pavement in accord with the approved construction plans;
 - (b) all water lines, including fire protection lines and fire hydrants, must be installed, have passed all testing including adequacy of fire flows, and be operable;
 - (c) sanitary sewer lines and manholes (or approved alternative facilities) must be installed, have passed all testing and be operable;
 - (d) storm water facilities, including erosion prevention and sediment control measures, must be installed and be operable; and
 - (e) all required traffic control facilities, markings and signage in accord with the latest edition of the MUTCD as adopted by Tennessee Department of Transportation must be completely installed and be operable.
- (2) It shall be the responsibility of the developer to notify the Development Services Division as items (a) through (e) above are completed and to request appropriate inspections.
- (3) As the improvements listed in (1) along each street proposed to be developed within each section or phase of the development are completed and all site work on the lots is completed, the Development Services Director may authorize the issuance of building permits for the lots along such street.

(B) Minimum Improvements for integrated site plan/subdivision development: Upon recommendation of the Director of Development Services, who shall have consulted with the City Engineer and the MWRD Director, the Planning Commission may modify the requirements set forth in subsection (A) above in the conditions of approval of an integrated site plan/subdivision development. Except as so modified, the requirements set forth in subsection (A) above shall apply equally to an integrated site plan/subdivision development.

(C) Minimum improvements for subdivisions other than one- and two-family subdivisions and integrated site plan/subdivision development are identical to those stated in (A) above except for the following:

- (1) all sanitary sewer lines and manholes (or approved alternative facilities) which are in the right-of-way must be installed, have passed all testing and be operable; and
- (2) as the improvements listed in (1) along each street proposed to be developed within each section or phase of the development are completed, the Development Services Director may authorize the issuance of building permits for the lots along such street.

SECTION 29-18 DRAINAGE WAYS.

It is unlawful for any person (including but not limited to the property owner, builder or contractor) to alter the drainage way in any City drainage easement, to plant trees in any drainage easement, or to construct any building, fence or other structure therein without the prior written approval of the City Engineer as such obstructions are detrimental to public health and safety.

Upon written notice from the City Engineer, the property owner shall cause any such alteration, tree, building, fence or other structure to be removed and, additionally or alternatively, as the City Engineer may direct, cause the drainage way to be restored.

If, after such notice, the property owner fails to cause any such alteration, tree, building, fence, or other structure to be removed and restored as directed, the City Engineer may perform or cause to be performed such work, and the owner shall be liable and responsible for all costs incurred, including but not limited to demolition costs, removal costs, construction costs, and engineering fees. In the alternative, the City may seek injunctive or other appropriate relief in the Circuit or Chancery Court.

If the property owner fails to pay any such costs as are incurred by the City Engineer within 30 days after the mailing of an itemized statement for such costs, the City Engineer is authorized to place a lien on the property of any such person to enforce the collection of such costs by recording an affidavit setting forth the date(s) and amount(s) of such costs with the Register of Deeds of Rutherford County, which lien may be added to and collected as property tax.

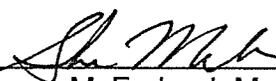
Any person violating any of these provisions shall be subject to punishment as provided in Code § 1-8.”

SECTION 3. That this Ordinance shall take effect immediately after its passage upon second and final reading, or July 20, 2018, whichever shall last occur, the public welfare and the welfare of the City requiring it.

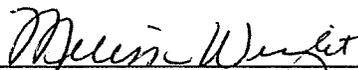
Passed:

1st reading July 12, 2018

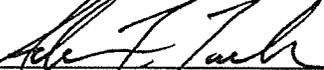
2nd reading July 19, 2018


Shane McFarland, Mayor

ATTEST:


Melissa Wright
City Recorder

APPROVED AS TO FORM:


Adam F. Tucker
Interim City Attorney

SEAL